

SEC. 16-9 HISTORIC PROTECTION OVERLAY ZONE DISTRICT (HP-O)**16-9(a) PURPOSE**

The purpose of the Historic Protection Overlay (HP-O) zone district is to preserve and protect the County's unique heritage and identity through the protection of historic sites, structures, and artifacts and through the designation of districts and landmarks of historical or archaeological significance. The HP-O zone district is further intended to:

- (1) Create a reasonable balance between private property rights and the public's interest in preserving the County's historic properties;
- (2) Allow for the preservation, protection, and enhancement of archaeological and historical sites and objects within the County;
- (3) Foster civic pride in the beauty and accomplishments of our past;
- (4) Provide educational opportunities for Los Alamos County residents of all ages;
- (5) Enhance and promote the County's ability to attract tourists and other visitors while respecting the privacy of individual building occupants;
- (6) Promote the continued use, adaptive reuse, and maintenance of historic or architecturally significant properties;
- (7) Ensure that the exterior design and appearance of new structures and improvements within a historic district will be compatible with the established character of that district;
- (8) Provide owners of properties of historic significance with helpful information and other potential incentives for the preservation, maintenance, and improvement of their properties; and
- (9) Establish efficient and simple administrative systems to carry out the purposes of this article utilizing, wherever possible, approval procedures already in existence.

16-9(b) AUTHORITY

As the preservation of historic assets within the County has been determined by the County Council to be a legitimate purpose of government, this section is adopted pursuant to and furthers the purposes of NMSA 1978, §§ 3-21-1 et seq., (Municipal and County Zoning Regulations); NMSA § 3-22-1 et seq., (Historic Districts and Landmarks Act); and NMSA §§ 18-6-1 et seq., (Cultural Properties Act).

16-9(c) DESIGNATION OF HISTORIC DISTRICTS AND COUNTY LANDMARKS

- (1) The County Council may designate and list individual historic landmarks or historic districts within the County, pursuant to Sec. 16-75(b).
- (2) Historic landmarks and districts shall be designated on the Official Zoning Map.
- (3) Historic designation will result in the creation of an Historic Protection Overlay zone district which will impose regulations on the designated property or district in addition to the zoning regulations already in effect in the underlying base zone districts.

16-9(d) HP-O ZONE DISTRICT STANDARDS

- (1) Within the boundaries of any HP-O zone, the exterior appearance of any structure shall not be altered; new structures shall not be constructed; and existing structures shall not be demolished until an Historic Property Alteration Certificate is approved pursuant to Sect. 16-73(h).
- (2) A Historic Property Alteration Certificate shall not be required for:
 - a. Ordinary maintenance and repair where the purpose of the work is to preserve the integrity of the structure and/or materials, correct deterioration to the structure, and restore it to its condition prior to deterioration; or

- b. Construction, alteration or demolition involving only interior features of the structure, unless such work impacts the structure's exterior appearance.
 - c. Within the boundaries of any HP-O zone, no demolition permit shall be issued by the building official until a HP-O Demolition Permit application has been reviewed by the HPAB pursuant to the procedures of Sec. 16-73(g).
- (3) An applicant who has been denied a Historic Property Alteration Certificate may seek an exemption from all, or portions of, the requirements of this section based on economic hardship by requesting a HP-O Economic Hardship Wavier per the procedures of Sec. 16-74(d). If a request for Economic Hardship Wavier is made, the applicant may not undertake any work on the historic property until and unless the planning and zoning commission makes a finding that an economic hardship exists, and a certificate has been issued.
- (4) No owner of an Historic property shall permit such property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature which would produce a detrimental effect upon the character of the district as a whole or the life and character of the property itself. Examples of such deterioration include deterioration of exterior walls or other vertical supports; deterioration of roof or other horizontal members; deterioration of exterior chimneys; deterioration or crumbling of exterior stucco or mortar; ineffective waterproofing of exterior walls, roof, or foundations, including broken windows or doors; and deterioration of any feature so as to create a hazardous condition which could lead to the claim that demolition is necessary for the public safety.
- (5) Nothing in this section shall be construed as to prevent any repairs, construction alterations or demolition necessary to correct or abate the unsafe or dangerous condition of any structure or site feature or part thereof, where such condition has been declared unsafe or dangerous by the county building official, other applicable county department directors, or federal or state agencies, and where proposed measures have been declared necessary by such departments or agencies. To the maximum practical extent such repairs, alterations, or demolitions shall be carried out in accordance with the standards required by this article.

meters) above the tallest luminaire. The illuminance on the calculation planes must not exceed the limits of light trespass defined within this ordinance.

- v. A signed affidavit that the site lighting plan meets the requirements of the ordinance.
- 3. Comparable examples already in the community that demonstrate technique, specification and/or light level should be provided if available to expedite the review process.
- c. The Community Development Department shall intake the application pursuant to the requirements of Sec. 16-72(d).
- d. The Community Development Director, or their designee, shall review the lighting plan based on its conformity with the Decision Criteria of Sec. 16-73-(f)(3).
- e. If the application complies with the provisions of Sec. 16-73-(f)(3), the Community Development Director shall issue an approval. The Director shall have the authority to refer an application to the Planning and Zoning Commission or the Historic Preservation Advisory Board if deemed appropriate.
- f. Any appeals related to decisions regarding outdoor lighting shall be made to the Planning and Zoning Commission using the procedure set forth in Sec. 16-72(q).

16-73-(f)(3) DECISION CRITERIA

A lighting plan shall be approved if it complies with all applicable standards in this Code, particularly Division 6 Outdoor Lighting, and any other adopted County regulations.

16-73(g) MINOR HISTORIC DEMOLITION PERMIT

16-73-(g)(1) APPLICABILITY

This Section applies to all applications for demolition permits within a Historic Protection Overlay.

16-73-(g)(2) PROCEDURES

- a. Applications for Historic Demolition Permit may be made by the owner or agent of any parcel of property to be affected.
- b. HP-O demolition permits shall be submitted to the Community Development Department and shall include all information per the County's Demolition Permit application, including:
 - 1. Proof of Ownership
 - 2. Scaled floor plan showing scope of demolition.
 - 3. A written explanation demonstrating compliance with the decision criteria of Sec. 16-73-(q)(4) or 16-73-(q)(3).
- c. The Community Development Department shall intake the application pursuant to the requirements of Sec. 16-72(d).
- d. The Community Development Director, or their designee, shall set a committee session with the director and two members of the Historic Preservation Advisory Board (HPAB) designated by the Historic Preservation Advisory Board chair to review the application within 10 days of receipt of a complete application.
- e. The Demolition Permit application shall be reviewed based on its conformity with the Decision Criteria of Sec. 16-73-(q)(4) or 16-73-(q)(3).
- f. If the committee finds the application complies with the provisions of Sec. 16-73-(q)(4) or 16-73-(q)(3), the Community Development Director shall issue the permit.
- g. If the committee does not issue a demolition permit, then the request shall follow the Major Historic Demolition Permit procedures of Sec. 16-74(e).

16-73-(g)(3) DECISION CRITERIA FOR PARTIAL DEMOLITION

An application for a Demolition Permit in an HP-O shall be approved if it meets all of the following criteria:

- a. The partial demolition is required for renovation, restoration, or rehabilitation of the structure.
- b. The structure is determined to have historic or architectural significance but, the structure proposed for demolition is not structurally sound despite evidence of the owner's efforts to maintain the structure.
- c. The request has mitigated, to the greatest extent possible, impacts on the historic importance of the structure or structures located on the property and on the architectural integrity of the structure or structures on the property.

16-73-(g)(4) DECISION CRITERIA FOR TOTAL DEMOLITION

An application for a Demolition Permit in an HP-O shall be approved if it meets all of the following criteria:

- a. The structure is of minimal historic significance because of its location, condition, modifications or other factors, and its demolition will be inconsequential to historic preservation needs of the area; or
- b. The structure is determined to have historic or architectural significance but:
 1. The structure proposed for demolition is not structurally sound despite evidence of the owner's efforts to maintain the structure; and
 2. The structure cannot be rehabilitated or reused on site to provide for any reasonable beneficial use of the property; and
 3. The structure cannot be practically moved to another site in Los Alamos; and
 4. The request demonstrates that the proposal mitigates the greatest extent practical the following:
 - i. Any impacts that occur to the visual character of the neighborhood where demolition is proposed to occur.
 - i. Any impact on the historical importance of the structure or structures located on the property and adjacent properties.
 - i. Any impact to the architectural integrity of the structure or structures located on the property and adjacent properties.

16-73(h) MINOR HISTORIC PROPERTY ALTERATION CERTIFICATE

16-73-(h)(1) APPLICABILITY

- a. Any alteration to the exterior appearance of any historically designated structure, new construction or demolition within a designated Historic Protection Overlay of Sec. 16-9 shall require Historic Property Alteration Certificate per this section.
- b. Any construction, alteration, relocation or demolition of any fence or other landscape feature including, without limitation, any deck, wall, berm, garden structure, exterior lighting, driveway, or landscaping that has the potential for affecting historic structures or features shall also require an approved Historic Property Alteration Certificate per this section.

16-73-(h)(2) EXEMPTIONS

A Historic Property Alteration Certificate shall not be required for:

- Ordinary maintenance and repair where the purpose of the work is to preserve the integrity of the structure and/or materials, correct any aesthetic deterioration to the structure, and restore it to its condition prior to deterioration; or
- Construction, alteration or demolition involving only interior features of the structure, unless such work impacts the structure's exterior appearance.

16-73-(h)(3) PROCEDURES

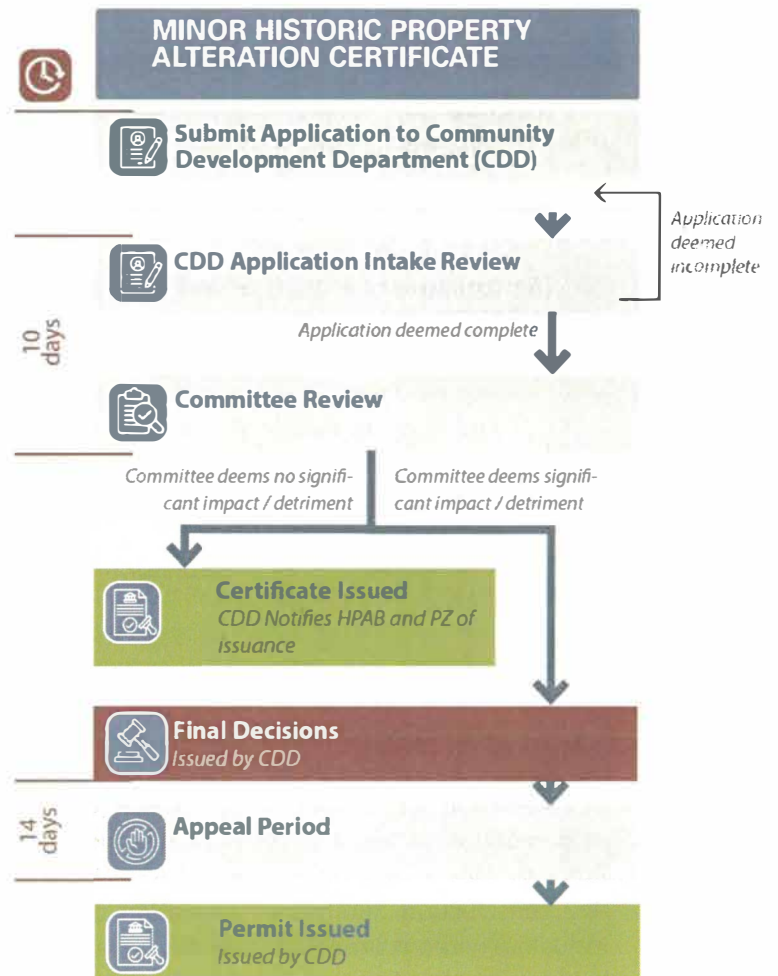
- Applications for a Historic Property Alteration Certificate may be made by the owner or agent of any parcel of property to be affected.

- Historic Property Alteration Certificate applications shall include the application, scaled site plan, architectural drawings, and other documentation that show compliance with the applicable provisions of this Code and other adopted County plans or policies as required by the County's Historic Property Alteration Certificate application to the Community Development Department, including:
 - Proof of property ownership or Owner's affidavit if property is rented or leased.
 - Architectural drawings showing proposed alterations, as applicable
 - A written explanation of how the request conforms to the Decision Criteria within Sec. 16-73-(h)(4).
 - Any applicable requirements as required by the Community Development Director.

- The Community Development Department shall intake the application pursuant to the requirements of Sec. 16-72(d).
- The Community Development Director, or their designee, shall set a Historic Property Alteration Certificate Review Committee session with the director and two members of the Historic Preservation Advisory Board designated by the Historic Preservation Advisory Board chair to review the application within 10 days of receipt of a complete application.

- The Historic Property Alteration Certificate application shall be reviewed based on its conformity with the Decision Criteria of Sec. 16-73-(h)(4).

- If the committee determines there will be no significant impact or potential detriment based on the decision criteria in Sec. 16-73-(h)(4), the Community Development Department shall issue the alternation certificate and send written notification to the Historic Preservation Advisory Board and the Planning and Zoning Commission of such issuance.



- g. If it has been determined by the majority of the Historic Property Alteration Certificate Review Committee that the proposed work would create a significant impact or potential detriment to the historic property based on the criteria in Sec. 16-73-(h)(4), the application shall be referred to a public hearing pursuant to Sec. 16-72(f). The Community Development Department shall notify the applicant of the referral in writing within five (5) days of the decision.
- h. The final action of the committee regarding any Minor Historic Property Alteration Certificate may be appealed to the Planning and Zoning Commission in accordance with Sec. 16-72(g).

16-73-(h)(4) DECISION CRITERIA

An application for a Minor Historic Property Alteration Certificate shall be approved if it meets all of the following criteria:

- a. The proposed work will preserve, enhance, or restore significant features of the resources as identified in the criteria for designation of the nomination or any specific design guidelines adopted for the historic landmark or district.
- b. The proposed work is compatible with the relevant historic, cultural, or architectural qualities characteristic of the structure, site or district including, but not limited to, elements of size, scale, massing, proportions, orientation, materials, surface textures and patterns, details and embellishments and the relation of these elements to one another.
- c. The proposed work will not significantly destroy, damage, or diminish significant features of the resources as identified in the criteria for designation of the nomination or within any specific design guidelines adopted for the historic landmark or district.

16-73(i) MINOR DEVELOPMENT PLAN AMENDMENTS

16-73-(i)(1) APPLICABILITY

This Section applies to any amendment to a previous Development Plan approval that changes site development standards at a threshold of not more than 10 percent.

16-73-(i)(2) PROCEDURES

- a. Applications for Minor Development Plan Amendment applications may be made by the owner or agent of any parcel of property to be affected.
- b. Minor Development Plan Amendment applications shall be submitted to the Community Development Department and shall include all information per the County's Minor Development Plan Application, including:

16-74(d) HISTORIC ECONOMIC HARDSHIP WAIVERS**16-74-(d)(1) APPLICABILITY**

This Section applies to applicants who has been denied a Historic Property Alteration Certificate and may seek an exemption from all, or portions of, the requirements of the Historic Protection Overlay (HP-O) based on economic hardships.

16-74-(d)(2) PROCEDURES

- a. Applications for an exemption to the HP-O standards based on economic hardship may be made by the owner or agent of any parcel of property to be affected.
- b. Exemptions based on economic hardship applications shall be submitted to the Community Development Department and shall include all information per the Economic Hardship Exemption Form including a demonstration of the following:
 1. In the case of an income-producing property, that a reasonable rate of return cannot be obtained from the property in its present condition or if improved in compliance with this article.
 2. In the case of a non-income-producing property, that the property has no beneficial use as a dwelling or for an institutional use in its present condition or if improved in compliance with this article.
 3. The consideration for economic hardship shall not include willful or negligent acts by the owner, purchase of the property for substantially more than the market value, or failure to perform normal maintenance and repairs.
 4. In addition, the applicant shall demonstrate that it has consulted in with the HPAB, local preservation groups, or interested parties in an effort to seek an alternative that will result in protection of the property.
- c. The Community Development Department shall intake the application pursuant to the requirements of Section 5-2(B)(IV).
- d. The Community Development Department shall provide public notice pursuant to the requirements of Section 5-2(B)(III). The Community Development Director, or their designee, shall set a date for public hearing before the Planning and Zoning Commission on the request within 30 days of receipt of a complete application.
- e. The Planning and Zoning Commission shall conduct a public hearing on the application pursuant to the requirements of Section 5-2(B)(V).
- f. The Planning and Zoning Commission shall approve or deny the request.
- g. The final action of the Planning and Zoning Commission regarding any exemptions based on economic hardship may be appealed to the County Council in accordance with Section 1-2(B)(VI) Appeals.

16-74-(d)(3) DECISION CRITERIA

An application for exemptions based on economic hardship shall be approved if it meets the following criteria:

- a. The hardship does not relate to the applicant's financial status
- b. The impact of this ordinance is such that it denies the applicant all reasonable or beneficial use of the property.

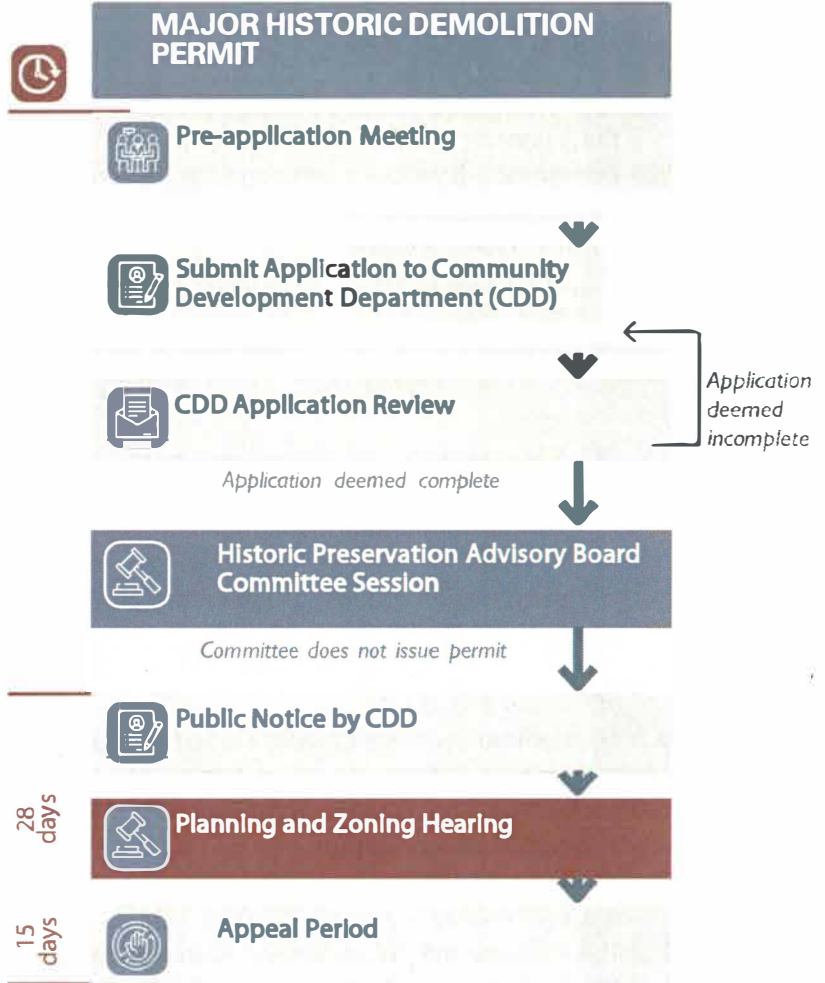
16-74(e) MAJOR HISTORIC DEMOLITION PERMIT

16-74-(e)(1) APPLICABILITY

This Section applies to all applications for demolition within a Historic Protection Overlay.

16-74-(e)(2) PROCEDURES

- a. Applications for Historic Demolition Permits may be made by the owner or agent of any parcel of property to be affected.
- b. Historic demolition permits shall be submitted to the Community Development Department and shall include all information per the County's Demolition Permit application, including:
 1. Proof of Ownership
 2. Scaled floor plan showing scope of demolition.
 3. A written explanation demonstrating
- c. The Community Development Department shall intake the application pursuant to the requirements of Sec. 16-72(d).
- d. The Community Development Director, or their designee, shall set a committee session with the director and two members of the Historic Preservation Advisory Board designated by the Historic Preservation Advisory Board chair to review the application within 10 days of receipt of a complete application.
- e. If the committee does not issue a demolition permit, then the Community Development Director shall set a date for public hearing before the HPAB on the demolition request within 30 days of the demolition denial by the Committee.
- f. The HPAB shall conduct a public hearing on the application pursuant to the requirements of Section 16-72(f). The HPAB shall make a recommendation to the Planning and Zoning Commission.
- g. Following receipt of the HPAB recommendation for application, the Planning and Zoning Commission shall conduct a public hearing pursuant to Sec. 16-72(f) within 14 days of the HPAB hearing date.
- h. The Planning and Zoning Commission shall approve or deny the demolition request.
- i. The final action of the Planning and Zoning Commission regarding any demolition request may be appealed to the County Council in accordance with Sec. 16-72(q) Appeals.
- j. If the request for demolition permit is denied by the Planning and Zoning Commission, then no



permit for demolition shall be issued for six months from the date of the Planning and Zoning Commission hearing on the permit.

- k. If historic designation has not been granted for the property, at the expiration of the six-month period, the building official shall grant a demolition permit for the property.
- l. At the time of adoption of historic property designation, the temporary restraint of demolition and any stays of demolition in effect shall expire.

16-74-(e)(3) DECISION CRITERIA FOR PARTIAL DEMOLITION:

An application for a Demolition Permit in an Historic Protection Overlay shall be approved if it meets all of the following criteria:

- a. The partial demolition is required for renovation, restoration, or rehabilitation of the structure.
- b. The structure is determined to have historic or architectural significance but, the structure proposed for demolition is not structurally sound despite evidence of the owner's efforts to maintain the structure.
- c. The request has mitigated, to the greatest extent possible, impacts on the historic importance of the structure or structures located on the property and on the architectural integrity of the structure or structures on the property.

16-74-(e)(4) DECISION CRITERIA FOR TOTAL DEMOLITION

An application for a Demolition Permit in an Historic Protection Overlay shall be approved if it meets all of the following criteria:

- a. The structure is of minimal historic significance because of its location, condition, modifications or other factors, and its demolition will be inconsequential to historic preservation needs of the area; or
- b. The structure is determined to have historic or architectural significance but:
 - 1. The structure proposed for demolition is not structurally sound despite evidence of the owner's efforts to maintain the structure; and
 - 2. The structure cannot be rehabilitated or reused on site to provide for any reasonable beneficial use of the property; and
 - 3. The structure cannot be practically moved to another site in Los Alamos; and
 - 4. The request demonstrates that the proposal mitigates to the greatest extent practical the following:
 - i. Any impacts that occur to the visual character of the neighborhood where demolition is proposed to occur.
 - ii. Any impact on the historical importance of the structure or structures located on the property and adjacent properties.
 - iii. Any impact to the architectural integrity of the structure or structures located on the property and adjacent properties.

16-74(f) MAJOR HISTORIC PROPERTY ALTERATION CERTIFICATE

16-74-(f)(1) APPLICABILITY

New construction over 200 square feet in gross floor area, the relocation or demolition of a historic property within a designated Historic Protection Overlay of Sec. 16-9 shall require Major Historic Property Alteration Certificate per this section.

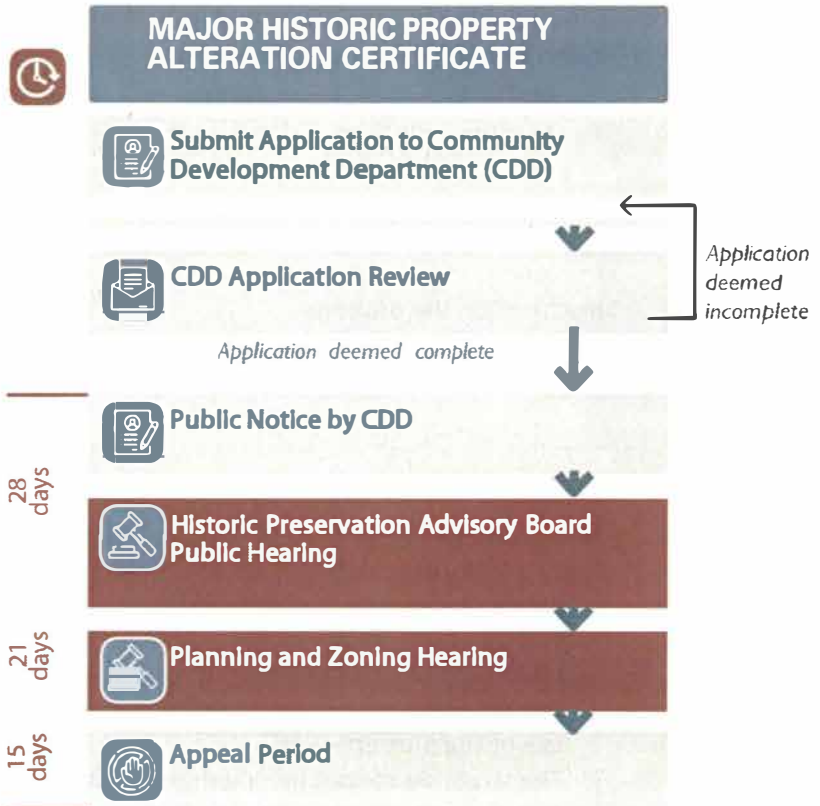
16-74-(f)(2) PROCEDURES

- a. Applications for a Historic Property Alteration Certificate may be made by the owner or agent of any parcel of property to be affected.

- b. Historic Property Alteration Certificate applications shall include the application, site plan, architectural drawings and other documentation that show compliance with the applicable provisions of this Code and other adopted County plans or policies as required by the County's Site Plan application to the Community Development Department, including:

1. Proof of property ownership or Owner's affidavit if property is rented or leased.
2. Architectural drawings showing proposed alterations, as applicable.
3. A written explanation of how the request conforms to the Decision Criteria within Section 5-1(C)(III).
4. Any applicable requirements as required by the Community Development Director.

- c. The Community Development Department shall intake the application pursuant to the requirements of Sect. 16-72(d).
- d. The Community Development Department shall provide public notice pursuant to the requirements of Sec. 16-72-(c)(2).
- e. The Community Development Department shall set a date for public hearing before the Historic Preservation Advisory Board on the request within 40 days of receipt of a complete application.
- f. The Historic Preservation Advisory Board shall conduct a public hearing on the application and forward a recommendation to the Planning and Zoning Commission. The Historic Preservation Advisory Board recommendation on the application shall take one of three forms: (i) approval as presented; (ii) approval with conditions; or (iii) denial. If the Historic Preservation Advisory Board fails to make a recommendation within the 40-day period, the request will be forward to the Planning and Zoning Commission without a recommendation.
- g. The Planning and Zoning Commission shall hold a public hearing pursuant to Sect. 16-72(f) at the next regularly scheduled meeting after receiving the Historic Preservation Advisory Board recommendation or, in the event that the Historic Preservation Advisory Board isn't able to reach a



recommendation, after the 40-day review period has passed.

- h. The Historic Property Alteration Certificate application shall be reviewed based on its conformity with the Decision Criteria of Sect. 16-74-(f)(3).
- i. The final action of the Planning and Zoning Commission regarding any Historic Property Alteration Certificate may be appealed to the County Council in accordance with Sect. 16-72(g).

16-74-(f)(3) DECISION CRITERIA

An application for a Major Historic Property Alteration Certificate shall be approved if it meets all of the following criteria:

- a. The proposed work will preserve, enhance, or restore significant features of the resources as identified in the criteria for designation of the nomination or any specific design guidelines adopted for the historic landmark or district.
- b. The proposed work is compatible with the relevant historic, cultural, or architectural qualities characteristic of the structure, site or district including, but not limited to, elements of size, scale, massing, proportions, orientation, materials, surface textures and patterns, details and embellishments and the relation of these elements to one another.
- c. The proposed work will not significantly destroy, damage, or diminish significant features of the resources as identified in the criteria for designation of the nomination or within any specific design guidelines adopted for the historic landmark or district.

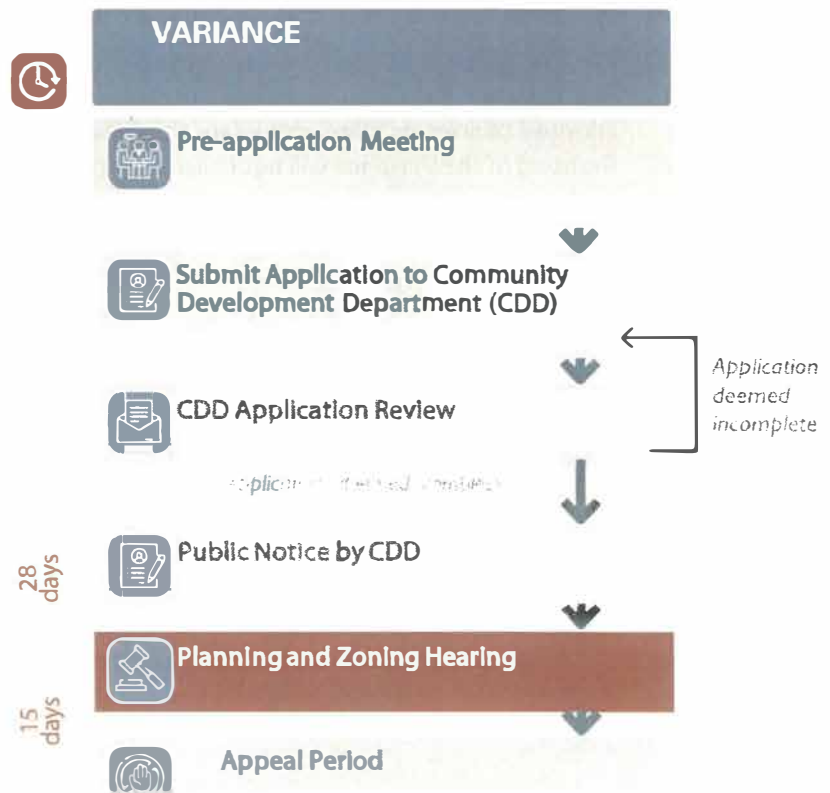
16-74(g) VARIANCES

16-74-(g)(1) APPLICABILITY

- a. Any deviation from this Code in excess of the thresholds established in Sec. 16-73(a) Administrative Deviations will require a Variance pursuant to the procedures of this section.
- b. Applications that are below the thresholds in 16-73(a) Administrative Deviations are considered Administrative Deviations and may be reviewed/approved administratively without a public hearing.

16-74-(g)(2) PROCEDURES

- a. Prior to the submission of a Site Plan application, the applicant shall attend a Pre-Application Meeting pursuant to Sec. 16-72-(b)(1).
- b. Applications for Variances may be made by the owner or agent of any parcel of property to be affected.
- c. Variance applications shall include the application, plan, and other documentation that show compliance with the applicable provisions of this Code and other adopted County plans or policies as required by the



or parts thereof, any such part to correspond generally with one or more of the functional elements of the plan.

- j. The plan shall only become effective as the Comprehensive Plan of the County upon approval by resolution of the County Council, carried by affirmative votes of not less than a majority of all members of the County Council. The resolution shall refer expressly to revisions to specific elements, the addition of elements, maps, descriptive matter, changes to the vision statement, policy plan and goals, or other revisions intended by the Planning and Zoning Commission to form the whole or part of the Comprehensive Plan.
- k. The Community Development Department shall post the new or amended Comprehensive Plan on the County's website.

16-75-(a)(3) DECISION CRITERIA

An application for Adoption or Amendment of the Comprehensive Plan shall be approved if it meets all of the following criteria:

- a. The amendment is consistent with the overall vision, policies and other parts of the Comprehensive Plan, the Strategic Leadership Plan of the County Council, and other adopted County policies and plans.
- b. The amendment replaces outdated information in the Comprehensive Plan, responds to changed conditions, or provides new information which is not included in the Comprehensive Plan.
- c. The adoption or amendment will protect the public health, safety, or welfare better than retention of the continued application of the existing Comprehensive Plan.
- d. The adoption or amendment will result in general benefits to a large portion of the residents or property owners in the County.

16-75(b) COUNTY LANDMARK OR HISTORIC DISTRICT ADOPTION

16-75-(b)(1) APPLICABILITY

This section applies to all applications for the adoption of a County Landmark or Historic District, amendment to the boundaries of a designated Historic District, removal of a designated landmark or site, or amending the standards of a Historic Preservation Overlay within this code.

16-75-(b)(2) PROCEDURES

- a. Prior to the submission of a County Landmark or Historic District adoption or amendment application, the applicant shall attend a Pre-Application Meeting pursuant to Sect. 16-72-(b)(1) and conduct a Neighborhood Meeting pursuant to Sect. 16-72-(b)(2).
- b. Applications for adoption or amendment to a County Landmark or Historic District Adoption may be made by any person.
- c. Development Plan applications shall include the application, plan, and other documentation that show compliance with the applicable provisions of this Code and other adopted County plans or policies as required by the County's Development Plan application to the Community Development Department, including:
 - 1. Written consent of the property owner(s) for a nomination of an individual landmark or written consent of the owners of at least 66 percent of the properties within the proposed district.
 - 2. Written justification explaining how the request meets the historical or architectural significance of the proposed landmark or historic criteria for designation per Sect. 16-75-(b)(3).
 - 3. A description of the particular historic or architectural features that should be preserved. The

description shall be based on a study prepared by an architectural or qualified authority on historic preservation surveying the proposed landmark or all properties within the proposed district, as applicable. The features deemed to be significant and worthy of preservation shall be specifically listed and illustrated in the study and shall form the basis for proposed preservation regulations within the district.

- d. A request for amendment to the Comprehensive Plan, if found necessary by the Community Planning Director, shall be submitted, processed, heard, and decided upon concurrently with the request for County Landmark or Historic District Adoption or Amendment .
- e. The Community Development Department shall intake the application pursuant to the requirements of Section 5-2(B)(IV).
- f. The Community Development Department shall provide public notice pursuant to the requirements of Section 5-2(B)(III).
- g. The Community Development Director, or their designee, shall set a date for public hearing before the Planning and Zoning Commission on the County Landmark or Historic District adoption or amendment request within 28 days of receipt of a complete application.
- h. The Historic Preservation Advisory Board shall conduct a public hearing on the application and make a recommendation to the Planning and Zoning Commission. The HPAB may nominate or sponsor an application for the designation of an individual landmark or an historic district.
- i. The Planning and Zoning Commission shall conduct a public hearing on the application pursuant to the requirements of Sec. 16-72(f). The Planning and Zoning Commission shall make a recommendation to the County Council pursuant to the Decision Criteria in Sect. 16-75-(b)(3), as to whether the proposed historic landmark or district shall be officially designated on the official zoning map as an overlay district.
- j. Following receipt of the Planning and Zoning Commission recommendation for the proposed County Landmark or Historic District Adoption or Amendment, the County Council shall conduct a public hearing pursuant to Sect. 16-72(f) to consider the recommendation of the Planning and Zoning Commission and whether the proposed historic landmark or district shall be officially designated on the county zoning map as an overlay district.
- k. The County Council shall approve or deny the proposed Zone Map Amendment pursuant to the Decision Criteria within Sect. 16-75-(b)(3).
- l. The Council may also vote to remand the matter back to the Planning and Zoning Commission for further proceedings. If the case is remanded, the County Council shall specify the time within which the Planning and Zoning Commission shall report back to the County Council its findings and recommendations on the matter(s) referred to it.
- m. Final approval of the County Landmark or Historic District Adoption shall be determined by the County Council.
- n. After the County Council has approved a County Landmark or Historic District Adoption or Amendment, the Official Zoning Map shall be amended to note the change and posted on the County website.

16-75-(b)(3) DECISION CRITERIA

An application for a County Landmark or Historic District adoption or amendment shall be approved if it meets not less than two of the following characteristics all of the following criteria:

- a. Embodies an architectural style or method of construction dating from one or more significant historic periods.
- b. Establishes a sense of time and place unique to Los Alamos County.
- c. Exemplifies or reflects the cultural, social, economic or political history of the nation, state or county.
- d. Is associated with the lives of significant historical persons or events.

- e. Has the potential to preserve, display, or yield significant historic or archaeological information.
- f. Exists on the registry of the State or National Register of Historic Places.

16-75(c) ADOPTION OR AMENDMENT OF A MASTER PLAN

16-75-(c)(1) APPLICABILITY

This section applies to all applications to adopt or amend a Master Plan.

16-75-(c)(2) PROCEDURES

- a. Applications for amendment or adoption of a Master Plan may be made by the County Council, the Planning and Zoning Commission, the County Manager, or the Community Development Director, or their designee
- b. Applications for an amendment to a Master Plan shall explain how it conforms to the Decision Criteria in Sec. 16-75-(c) (3), why the amendment is necessary, and cite the sections of the Master Plan to be amended. Master Plan amendments may include revisions to specific elements and the addition of new elements.
- c. The Community Development Department shall intake the application pursuant to the requirements of Sec. 16-72(d).
- d. The Community Development Department shall provide public notice pursuant to the requirements of Sec. 16-72-(c)(2).
- e. The Community Development Director, or their designee, shall set a date for public hearing before the Planning and Zoning Commission on the Master Plan amendment request within 28 days of receipt of a complete application.
- f. The Community Development Department staff shall review the application, including any specific regulations applicable to a proposed adoption or amendment of a Master Plan, and forward a recommendation to the Planning and Zoning Commission.
- g. The Planning and Zoning Commission shall conduct a public hearing on the application pursuant to the requirements of Sec. 16-72(f). The Commission shall make a recommendation to the County Council pursuant to the Decision Criteria in Sec. 16-75-(c)(3).
- h. Following receipt of the Planning and Zoning Commission recommendation, the County Council shall conduct a public hearing pursuant to the requirements of Sec. 16-72(f). The County Council shall approve, modify, or disapprove the proposed adoption or amendment, or shall vote to refer

